

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 5-40006-FDS
	)	
HERIBERTO RODRIGUEZ	)	

MOTION TO CONTINUE TRIAL DATE AND TO EXCLUDE TIME

Defendant, Heriberto Rodriguez, moves that the court continue the trial now scheduled for October 16, 2006 for approximately ten weeks. As reasons therefore, (1) the parties are attempting to resolve the case, (2) more investigation is needed into defendant's criminal record, (3) there are issues raised by the pre-plea presentence report that need to be addressed with probation, and (4) the defendant is presently facing a fifteen year mandatory minimum sentence.

If the motion is allowed, defendant asks that the time between October 16, 2006 and the new trial date be excluded from the speedy trial calculation as the requested continuance is in the interest of justice.

The government by Assistant United States Attorney Paul  
Casey assents to this motion.

HERIBERTO RODRIGUEZ  
By his attorney,

/s/ Catherine K. Byrne  
Catherine K. Byrne  
B.B.O. #543838  
Federal Defender Office  
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Certificate of Service

I, Catherine K. Byrne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 11, 2006.

/s/ Catherine K. Byrne  
Catherine K. Byrne